

REMARKS

In the Office Action¹, the Examiner rejected claims 1-6, 8-12, 14, 26-28, 30-36, and 38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,790,939 to Malcolm et al. (“*Malcolm*”) in view of U.S. Patent No. 6,449,219 to Hepp et al. (“*Hepp*”); rejected claims 7 and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Malcolm* in view of *Biggs*², and further in view of U.S. Patent No. 6,889,246 to Kawamoto et al. (“*Kawamoto*”); and rejected claims 13 and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Malcolm* in view of *Biggs*³, and further in view of U.S. Patent No. 6,628,974 to Lim (“*Lim*”).

Applicant has cancelled claims 10 and 33, without prejudice or disclaimer of their subject matter, and amended independent claims 1 and 26 to include, respectively, the subject matter of claims 10 and 33. Claims 1-9, 11-14, 26-32, and 35-38 remain pending and under current examination.

Applicant respectfully traverses the rejection of claims 1-6, 8-12, 14, 26-28, 30-36, and 38 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Malcolm* in view of *Hepp*, does not teach or suggest each and every element of claims 1-6, 8-12, 14, 26-28, 30-36, and 38. A *prima facie* case of obviousness has, therefore, not been established.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

² The Examiner indicated that *Biggs* is used as prior art to reject claims 7 and 29. Applicant assumes that the Examiner meant to use *Hepp* and will address the rejection as *Malcolm* in view of *Hepp* and further in view of *Kawamoto*.

³ The Examiner indicated that *Biggs* is used as prior art to reject claims 13 and 37. Applicant assumes that the Examiner meant to use *Hepp* and will address the rejection as *Malcolm* in view of *Hepp* and further in view of *Lim*.

Claim 1 recites a combination including, for example:

a plurality of hand held terminal devices . . .
an information distribution apparatus . . .
display means . . .
wherein the watch information is displayed on the display means of
the plurality of hand held terminal devices as a video image that depicts at
least a current time, and
wherein the information distribution apparatus distributes additional
information comprising advertisement information to the plurality of hand
held terminal devices at the same time as the watch information so that
the additional information is displayed on a portion of the display means of
the plurality of hand held terminal devices.

(emphasis added). *Malcolm* does not teach or suggest at least these elements.

Malcolm discloses burst timing synchronization in system 20 that minimizes the bandwidth consumed by inter-burst guard times and allows non-interfering communication between disparate gateway earth stations 26 and mobile terminals 22 (column 7, lines 15-21). This timing synchronization is designed to overcome timing errors introduced by doppler due to satellite motion (column 7, lines 45-47). Further, each element in the network 20 adjusts its transmit burst timing so that signals arrive at the satellite 24 with identical frame timing (column 7, lines 52-56).

The frame timing offset, shown in Figure 4 of *Malcolm*, highlights the procedure for compensating for frequency offsets due to satellite motion. Figure 4 shows the delay of the signals between the mobile terminals (MT) and the satellite, and reference 64 is an I/O interface including a keypad for data entry, a display, a data port, and a smart card interface (column 6, lines 13-17). *Malcolm* does not teach distributing “additional information comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional information is

displayed on a portion of the display means of the plurality of hand held terminal devices", as recited in claim 1.

The Examiner states that *Malcolm* does not disclose time "displayed in form of a video image" (Office Action at page 2). The Examiner cites *Hepp* and states that *Hepp* discloses "a system and method for customizing time display including language, [and] multi media/video" (Office Action at page 3).

Hepp discloses creating a computer based timepiece that represents the time of day on an optoelectronic display by using a dynamic representation including the timepiece and the time of day on the one hand and additional information generated by an animation program (column 1, lines 57-67). The display in the timepiece of *Hepp* does not come from a system for distributing watch information comprising "a plurality of hand held terminal devices that acquire and process the watch information, the watch information including clock appearance data." Moreover, *Hepp* does not teach distributing "additional information comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional information is displayed on a portion of the display means of the plurality of hand held terminal devices", as recited in claim 1.

Accordingly, *Malcolm* and *Hepp* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim. Claims 2-6, 8-9, 11-12, and 14 depend from claim 1 and are thus also allowable over *Malcolm* in view of *Hepp*, for at least the same reasons as claim 1.

Independent claim 26, though of different scope from claim 1, recites limitations similar to those set forth above with respect to claim 1. Claim 26 is therefore allowable for at least the reasons presented above. Claims 27, 28, 30-32, 35-36, and 38 depend from claim 26 and are thus also allowable over *Malcom* in view of *Hepp*, for at least the same reasons as claim 26.

Although the Examiner cites *Kawamoto* in the rejection of dependent claims 7 and 29 and *Lim* in the rejection of dependent claims 13 and 37, Applicant respectfully asserts that *Kawamoto* and *Lim* fail to cure the deficiencies of *Malcolm* and *Hepp* discussed above.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-9, 11-14, 26-32, and 35-38 in condition for allowance. This Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of the application and withdrawal of the rejections. Pending

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claims 1-9, 11-14, 26-32, and 35-38 are in condition for allowance, and Applicant
requests a favorable action.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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